

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DENNIS DIMON

Plaintiff,

vs.

Civil Action No. 05-11073-MEL

METROPOLITAN LIFE INSURANCE CO.,  
KEMPER INSURANCE CO., MORGAN  
STANLEY DW, INC., MICHAEL B.  
LATTI, LATTI ASSOC., and LATTI &  
ANDERSON LLP,

Defendants.

**JOINT MOTION FOR ENTRY OF ORDER OF DISMISSAL WITH PREJUDICE  
AS TO DEFENDANT MORGAN STANLEY DW, INC.**

Pursuant to Rule 41(b), F.R.C.P., the plaintiff Dennis Dimon and the defendant Morgan Stanley DW, Inc. ("Morgan Stanley") hereby jointly move for an order of the court dismissing this case with prejudice as to the defendant Morgan Stanley. In support of this motion, plaintiff Dennis Dimon states that he has agreed to dismiss with prejudice his claims against defendant Morgan Stanley, and believes that such dismissal will streamline this case and is in the interest of judicial efficiency. Pursuant to Rule 41, F.R.C.P., an order of the Court is necessary to achieve such dismissal unless all parties sign a stipulation of dismissal. Because of the presence of other defendants in the case, none of whom have asserted any claim against Morgan Stanley, an order of the Court is required to achieve such dismissal. Accordingly, plaintiff Dennis Dimon and defendant Morgan Stanley respectfully request that the Court enter an order dismissing with prejudice plaintiff's claims against Morgan Stanley.

Dennis Dimon,  
By his attorneys,

/s/ Brian Keane  
David B. Kaplan, BBO#258540  
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Morgan Stanley DW, Inc.,  
By its attorneys,

/s/ Sandra Sue McQuay  
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